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## DECLARATION

I **Michael Martey Tei-Ahontu**, hereby declare that this thesis is my original work and has not previously been published by any academic institution for a degree or otherwise. All sources used are duly acknowledged.

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**Michael Martey Tei-Ahontu**

Ås, 15<sup>th</sup> May, 2008

Supervisor:

**Gunnvor Berge**

## DEDICATION

I dedicate this master piece to my sisters Rita Merley Merley Tei-Ahontu and Mary Naa Morkor Tei-Ahontu. I really appreciate their help, support and encouragement throughout my Master program here in Norway. God richly bless you

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## ABSTRACT

The link between fundamental human rights and the right to carry out traditional practices may come into conflict with each other. The study is an attempt to describe the practice of widowhood rites in the Ga traditional area of Ghana and find out the reasons that underlie the practice. Some of these rites include cruel and degrading treatment. It also sought to find out why widowhood rites persist in spite of Ghana being a signatory to many human rights instruments. The study focuses mainly on women, but also looks at what happens to men when they become widowers. The rites differ and the study looks into the reasons underlying the differences. Finally the study addresses the role of institutions in controlling and changing the practice.

A survey was undertaken in the Accra Metropolis of the Greater Accra Region of Ghana. Qualitative data was gathered by interviewing respondents in the study area. The opinions of respondents as well as interviews with resource persons, and secondary data formed the basis of discussions.

The reasons why people go through widowhood rites are varied just as the set of practices are varied. Love, farewell, blessings, proof of innocence with respect to causing the spouse's death, and obedience of tradition are the main reasons why people go through widowhood rites. The force of international conventions and national legislation to ensure the enjoyment of fundamental human rights is still hampered by tradition. The study shows that men go through widowhood rites, but the practices are usually not as strict as in the case of women.

The legal framework in Ghana clearly forbids traditional practices that do not conform with the country's human rights obligations. In addition there are state institutions which have mandates that allow them to handle and control widowhood practices. Their efforts however are still hampered by traditional values. It therefore my conclusion in order to fully implement international human rights standards activities especially in sensitization must be stepped up to achieve the desired results.

Sensitization and awareness must be deepened to make people aware of their rights and of the possibility to use the legal framework that exists. This is because violations and abuses that people have to endure are well protected by legal framework if they resort to it. Traditional leaders must also be made to fulfill their constitutional mandate of reviewing traditional practices with the aim of modifying and abolishing harmful and outmoded widowhood practices.

## LIST OF ACRONYMS

African Charter	AFRICAN CHARTER ON HUMAN AND PEOPLE'S RIGHTS
AWI	ALLIANCE FOR AFFRICN WOMEN INITIATIVE
CAT	CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT
CEDAW	CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN
CGSA	CENTRE FOR GENDER STUDIES AND ADVOCACY
CHRAJ	COMMISSION ON HUMAN RIGHTS AND ADMINISTRATIVE JUSTICE
Chraler	CENTER FOR HUMAN RIGHTS AND ADVANCED LEGAL RESEARCH
CHRI	COMMONWEALTH HUMAN RIGHTS INITIATIVE
DEVAW	DECLARATION ON THE ELIMINATION OF VIOLENCE AGAINST WOMEN
DOVVSU	DOMESTIC VIOLENCE AND VICTIMS SUPPORT UNIT
GNCC	GHANA NATIONAL COMMISSION ON CHILDREN
GPS	GHANA POLICE SERVICE
ICCPR	INTERNATIONAL CONVENANT ON CIVIL AND POLITICAL RIGHTS
ICESCR	INTERNATIONAL CONVENANT ON ECONOMIC SOCIAL AND CULTURAL RIGHTS
MOWAC	MINISTRY OF WOMEN AND CHILDREN AFFAIRS
NCWD	NATIONAL COMMISSION ON WOMEN AND DEVELOPMENT
OP-CEDAW	OPTIONAL PROTOCOL TO THE CONVENTION ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN
RCC	REGIONAL COORDINATING COUNCIL
UDHR	UNIVERSAL DECLARATION OF HUMAN RIGHTS
UN OHCHR	UNITED NATIONS OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

WiLDAF

WOMEN IN LAW AND DEVELOPMENT IN AFRICA

Women's Protocol

THE PROTOCOL TO THE AFRICAN CHARTER ON HUMAN AND PEOPLES'  
RIGHTS ON THE RIGHTS OF WOMEN IN AFRICA

### Table

Table 1 Distribution of Respondents	12
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### Figures

Figure 1 Map of Ghana	8
Figure 2 Map of Greater Accra Region showing Accra Metropolis	8

## Table of Contents

About Noragric	i
Declaration	ii
Dedication	iii
Acknowledgement	iv
Abstract	v
List of Acronyms	vii
Table of Contents	ix
CHAPTER ONE.....	1
1.1 Background to the study.....	1
1.2 What are human rights.....	4
1.3 Problem Statement.....	6
1.4 Objectives of the study.....	6
1.5 Scope of the study.....	7
1.6 Area of the study.....	7
1.7 Methodology.....	10
CHAPTER TWO.....	13
2.1 Women’s rights in International Human Rights Law.....	13
2.2 The UN Charter and Universal Declaration.....	13
2.3 International Covenant on Civil and Political Rights.....	15
2.4 International Covenant on Economic Social and Cultural Rights.....	16
2.5 Convention on the Elimination of All Forms of Discrimination against Women.....	17
2.6 The Optional Protocol to CEDAW.....	20
2.7 Declaration on the Elimination of Violence against Women.....	22
2.8 The African Charter on Human and Peoples’ Rights.....	24
2.9 Protocol to the African Charter.....	25

CHAPTER THREE.....	29
3.1 Rights of women in the Ghanaian context.....	29
3.2 Challenges in implementation of Women’s rights.....	34
 CHAPTER FOUR.....	 39
4.1 Explanations of widowhood rites.....	39
4.1.1 Reasons for continuing widowhood rites.....	46
4.1.2 Sanctions for refusing widowhood rites.....	48
4.2 Institutional Interventions.....	49
4.2.1 The Commission on Human Rights and Administrative Justice.....	50
4.2.2 The Ministry of Women and Children Affairs.....	50
4.2.3 The Domestic Violence and Victims Support Unit.....	51
4.3 Challenges of Institutions.....	51
4.4 The man as a Widower.....	54
4.5 Some harmful widowhood practices.....	57
 CHAPTER FIVE.....	 58
5.1 Summary of Findings and Conclusion.....	58
 References.....	 61
Appendix 1.....	64
Appendix 2.....	67
Appendix 3.....	70
Appendix 4.....	73

## CHAPTER ONE

### 1.1 Background to the study

In many parts of Africa widowhood rites are widely believed to be practices that any bereaved spouse has to go through upon becoming a widow or widower. It must be noted that, though the practice is not gender biased, it is usually women who go through this practice. In the unlikely event where a man has to go through them, the conditions are usually different. In Ghana this practice is observed by almost every traditional society, though there might be some differences and or variations in the form this might take. This study concentrates on the Ga traditional society on how widowhood rites are practiced and the human rights implications involved.

To give an overview of widowhood rites among the Ga's, I present here the story of woman who lost the husband in a fatal motor accident. This story was recorded in an interview with a widow in a data collection survey.

*Moments after the death of my husband was announced, I had to change into all black attire, something which was going to remain until after one year. The wearing of the black attire signifies a period of mourning, this is not peculiar to only women but to all who loose one relative or the other, however, that of the woman seem to be monitored by almost everyone in the society. Such that any widow who does not clad in black clothes becomes the subject of discussion, with people beginning to question her innocence in the death no matter the cause of death.*

*The time of final funeral rites came and that was when I had to go through a lot of practices. When it got to the time to go to the morgue for the corpse, I was asked to stay behind with the reason that a widow does not go to the morgue. Not satisfied enough I sought further explanation from a close relative. She explained*

*to me that, a woman is not allowed to go to the morgue because she cannot control herself from crying once she sees the corpse of the late husband. This is a situation which the people going to bring the body will not like to entertain. However, once the body is brought home then there will be many people around to console the widow. Before the body was laid in state, the corpse had to be washed first and dressed up all as a sign of last respect and / or brings dignity to the dead person. To my dismay, I was asked to drink a portion of the water which was used in washing the corpse. (Authors Field Survey [AFS] – 2007)*

Indeed the health implication of this act is not thought of at all. She explained that easily drinking the dirty water from the corpse was a sign to show that she really loved the man while he was alive and that she had no hand or had not conspired to kill him.

*There was another practice I had to go through to show my love and innocence in the death of my late husband. I was made to stay overnight with the corpse in a room all alone. Thus after the corpse has been dressed up and waiting to be laid in state at the early hours of the following morning which was a Saturday, I was asked to sleep in the room with the corpse. They explained to me that, I had to do it as that was going to be the last time I was going spend together with him. The next morning saw the final funeral rites and burial service. The next practice I had to go through was to come after the burial when we came back from the cemetery. This was the final gathering for family members, together with friends and sympathizers. In the mist of the gathering, what I realized was that a woman from the mans family took hold of my neck with her cover cloth chanting that she was also going to kill me since I had killed their breadwinner. This was done so that someone from my family will come to my aid to give a token in the form of money before I am released. The money given need not be huge but just something symbolic to grant me pardon for my release.*

*Just when I thought all was over, then came the time of confinement to lead to my final break-off with my dead husband. This was the period when I was confined in a room for seven days. During this period I was allowed to eat only once in a day, I was also allowed to come out only once in a day and this was only at dawn, around 3am when I took my bath. Throughout this period I was monitored by the*

*elderly woman who is assigned the task of taking me through the rites. She is the one responsible for my food and any other thing I may need and was also the only person to be around when I go out to take my bath. On the final night, I was taken to the seaside in the company of some family elders to have my bath there. The belief is that my dead husband's ghost will meet with me there so we have our final bath. Since this was to be our parting moment we were provided with two buckets of water and every other thing else needed for bathing was two, one for me and the other for the ghost. The separate bathing marks the end of our ever doing anything in common. I did not see the ghost myself but they told me that was what actually happened. After the bath the man's spirit went back to rest in peace and we came back home. This marked the end of the period of confinement.*  
(AFS – 2007)

The last stretch of the rites continues though the widow has been released from confinement. The woman continues to dress in black and or dark coloured clothing until after one year when the man's one year commemoration service is held. One other thing to be observed during this period is that the woman is supposed to stay single and not enter into any intimate relationship with any man. All through this period is regarded as mourning period and as such the woman must be chaste. After the one year anniversary is commemorated then the woman now has her freedom to go about her normal life once again. Now she can wear whatever she pleases, do whatever she wants and also re-marry if she is still interested in doing so.

## 1.2 What are human rights

A working definition of human rights is given by the United Nations Office of the High Commissioner for Human Rights<sup>1</sup> (UN OHCHR). *Human rights are rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status. We are all equal to our human rights without discrimination. These rights are all interrelated, interdependent and indivisible.*

Human rights are supposed to be *universal and inalienable*. The underlining focus of international human rights laws is its universality, meaning that it must be applicable to everyone without limitation. These human rights must not be taken away unless in situation where a person is found guilty of a crime. Human rights are also supposed to be *interdependent and indivisible*. This means that no matter the nature of human rights, social, political, civil, economic they must not be separated because the enjoyment of one depends on the other and *vice versa* just as its denial. Human rights are also supposed to be *equal and non-discriminatory*. This means that human rights must be treated or applied to all persons without any discrimination on any bases, because “all human beings are born free and equal in dignity and rights”<sup>2</sup> Finally human rights are supposed to be both *rights and obligations*. Individuals have the right to enjoy all human rights and also the obligation to respect the human rights of others. States basically assume obligations and duties to respect, to protect and to fulfill human rights<sup>3</sup>.

There are several human rights conventions that are against the violations of ones fundamental human rights and freedoms. The General Assembly of the United Nations on the

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<sup>1</sup> <http://www.ohchr.org/EN/Issues/Pages/WhatareHumanRights.aspx>

<sup>2</sup> Article 1 of the Universal Declaration of Human Rights

<sup>3</sup> See note 1 above

10<sup>th</sup> of December 1948 adopted and proclaimed the Universal Declaration of Human Rights<sup>4</sup> (UDHR). The General Assembly proclaimed the UDHR *as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction*<sup>5</sup>

The UDHR therefore sets the ideal based on which each and every individual must fully enjoys his or her fundamental human rights and freedoms without anyone trampling on the rights of another. In furtherance of the UDHR several international and regional conventions have emerged; the International Covenant on Economic, Social and Cultural Rights<sup>6</sup> (ICESCR), the International Covenant on Civil and Political Rights<sup>7</sup> (ICCPR), the Convention on the Elimination of all forms of Discrimination against Women<sup>8</sup> (CEDAW), the Convention against Torture and other Cruel, Inhuman or Degrading Treatment<sup>9</sup> (CAT<sup>10</sup>).

On the African front also there is the African Charter on Human and Peoples Rights (African Charter). Most member countries of the United Nations have ratified these conventions and Ghana<sup>11</sup> is no exception. This shows that there is massive support for these conventions which seeks to ensure and safeguard ones enjoyment of his / her fundamental human rights.

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<sup>4</sup> General Assembly resolution 217 A (III) of 10 December 1948

<sup>5</sup> Preamble of the Universal Declaration of Human Rights

<sup>6</sup> General Assembly resolution 2200A (XXI) of 16 December 1966

<sup>7</sup> General Assembly resolution 2200A (XXI) of 16 December 1966

<sup>8</sup> See G.A. res. 34/180, 34 U.N. GAOR Supp. (No.46) at 193, U.N. Doc. A/34/46

<sup>9</sup> See G.A. res. 39/46, [annex, 39 U.N. GAOR Supp. (No. 51) at 197, U.N. Doc. A/39/51 (1984)]

<sup>10</sup> Convention Against Torture

<sup>11</sup> Ghana ratified the CEDAW and the Convention against Torture in 1981 and 1987 respectively.

### **1.3 Problem Statement**

In spite of the support that central human rights conventions enjoy, many discriminatory and inhuman treatments or practices such as widowhood rites, female genital mutilation and trokosi<sup>12</sup> still go on in many parts of the world. Nations, which are signatories to international human rights conventions, have taken on obligations to respecting, protecting and fulfilling these conventions. For instance, Ghana being a signatory to the Convention on the Elimination of all Forms of Discrimination against Women is therefore bound by article 2(f) which obliges states “to take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women.” My concern is with the relationship between widowhood rites as they are practiced in the Ga area of Ghana today, and the country’s obligations to respect, protect and fulfill human rights.

### **1.4 Objectives of the study**

The foremost aim of this study is to describe the practice of widowhood rites and find out the reasons that underlie these practices.

Secondly, the study will find out why widowhood rites still persist in Ghana in spite of it human rights record and being a signatory to aforementioned conventions.

Third, the study will focus on what happens on the reverse that is if a man loses his wife, how the rites are carried and if there are any discrepancies to that of the woman.

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<sup>12</sup> A ritual servitude whereby young girls usually are taken to traditional religious shrines as payment for services, or in religious atonement for alleged misdeeds of a family member (Wikipedia).

Finally, the study will find out what interventions are institutions such as the Commission for Human Rights and Administrative Justice (CHRAJ), the Ministry of Women and Children Affairs (MOWAC) and the Domestic Violence and Victims Support Unit (DOVVSU) of the Ghana Police Service are making with respect to widowhood rites.

### **1.5 Scope of the study**

‘Widowhood rites’ is a very broad category of practices to look at, for instance when you consider the various practices that goes into it, those responsible, and the consequence or effects. Therefore, the scope of the study as can be glean from the objectives will be to look at the human rights implications of the rites, particularly on women and also how the conflict between traditional practice and human rights conventions can be resolved.

### **1.6 Area of the study**

The Ga Traditional Area which largely forms the Accra Metropolitan Area (AMA) is the area for the study. Accra being the capital of Ghana and for that matter a metropolitan area is inhabited by diverse group of people who are not indigenous of the area that is Ga’s. For that matter Osu and Bukom were selected due to the fact that these are areas where the indigenous Ga’s are settled.



**Figure 1. Map of Ghana**

Source: [www.ghanadistricts.com](http://www.ghanadistricts.com)



**Figure 2. Map of Greater Accra Region showing the Accra Metropolitan Assembly**

Source: [www.ghanadistricts.com](http://www.ghanadistricts.com)

The Greater Accra Region is one of the ten administrative regions of Ghana, the smallest in terms of area but the second largest in terms of population. There are two different systems of administration in this region, the traditional and political, however these two compliment each other to some degree. The traditional system of administration is through an intricate network of local governance dealing with mainly traditional affairs concerning customs and land administration. The political system of administration on the other hand is along the lines of law and order and decentralized government machinery.

The political administration of the region is through the local government system that derives its authority from the 1992 Constitution of Ghana and the Local Government Act 1993 (Act 462). The region is divided into ten assemblies or districts. Each of the administrative areas is under the control of a Chief Executive representing the central government but deriving his/her authority from the Assembly, headed by a Presiding Member elected from among the members themselves. Two-thirds of the assembly members are elected through local elections, while the remaining one-third is appointed by Government.

The Assemblies have wide ranging social, economic and legislative jurisdiction over their respective local authority areas, but there is a Regional Coordinating Council (RCC) which is to coordinate and monitor the activities of these assemblies. The RCC is made up by the following members:

- *The Regional Minister, who is the head of the council and his/her deputies,*
- *The Presiding Member and the Chief Executive from each assembly in the region,*
- *Two Chiefs from the Regional House of Chiefs, and*
- *The regional heads of decentralized departments in the region as members without voting rights.*<sup>13</sup>

The composition of the Regional Coordinating Council shows that chiefs who are custodians of traditions and customs are integrated into administrative and decision making bodies. The

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<sup>13</sup> Source: [www.ghanadistricts.com](http://www.ghanadistricts.com)

traditional administration is established by The Chieftaincy Act, 1971 (Act 307) and this further strengthened by the 1992 Constitution. Article 270 (1&2) states that “the institution of chieftaincy together with its traditional councils as established by customary law and usage, is hereby guaranteed, (2) Parliament shall have no power to enact any law which – (a) confers on any person or authority the right to accord or withdraw recognition to or from a chief for any purpose whatsoever; or (b) in any way detracts or derogates from the honour and dignity of the institution of chieftaincy.” The Regional House of Chiefs under the Constitution is supposed to be responsible or report to the National House of Chiefs.

## **1.7 Methodology**

The study is a descriptive one therefore it required basically qualitative data set for analysis. Qualitative methods of data collection were used in the gathering of the data. Structured and semi-structured interviews were used. As has been noted earlier Osu and Bukom were selected due to the concentration of Ga’s in these areas.

A total of 55 people were interviewed and the distribution is given in table 1 below. The people interviewed include Chiefs. A Chief is the traditional leader of an area and represents the people on the traditional council as well as at the House of Chiefs. Family heads were also interviewed and these are people, who head particular families, they are usually custodians of family property and traditions. Family heads are usually men, since it is men who are expected to protect members of the family and also men are automatic heads of the nuclear family, which is made up of man, wife and children. Some experts who supervise the practice were also interviewed. These are usually elderly women who believed to know the tradition and therefore supervise women who are supposed to go through the practice. Such women

might not necessarily be from the same family. All these categories of people were interviewed because they can be classified as key informants due to their role or involvement in the practice. They were therefore selected purposefully.

Another category of people which were selected purposefully for interviewing included, officials of the Commission for Human Rights and Administrative Justice (CHRAJ), Ministry of Women and Children Affairs (MOWAC) and the Domestic Violence and Victims Support Unit (DOVVSU). These are institutions which deal with the protection of human rights, women issues and cases of domestic violence.

Women as well as men who had previously gone through the practice of widowhood rites were identified for interviewing. This was done using a Snowballing technique. Snowballing is a technique used in sampling whereby once you make contact with one person it leads you to several others in a community (Bryman, 2004:100). The use of this technique resulted in several widows being interviewed than widowers.

The General public was not left out, as some people were sampled for interviewing. A Convenience sampling method was used in selecting this category of people. According to Bryman (2004) a convenience sample consists of people who are interviewed because they are available to the researcher.

The study, aiming at providing a descriptive basis for discussion, bases the analysis on the views of the respondents. Therefore direct quotations of respondents are largely dwelt upon in the discussions.

Table 1: Distribution of Respondents

<b>Category</b>	<b>Male</b>	<b>Female</b>	<b>No of respondents</b>
Chiefs	2		2
Family heads	10		10
Experts who supervise practice		4	4
Widows/Widowers	6	10	16
General Public	8	12	20
CHRAJ, MOWAC, DOVVSU	1	2	3
<b>Total</b>	<b>27</b>	<b>28</b>	<b>55</b>

Source: Authors field survey - 2007

## CHAPTER TWO

### 2.1 Women's rights in International Human Rights Law

This chapter focuses on women's rights in the context of international human rights law. What are the conventions or instruments that are set forth to protect the rights of women and what have been their impact to protecting these rights. This chapter allows for a focus on international conventions, and national legislation that is developed on the basis of such international agreements. Rights of women over the years have been well incorporated in several documents. Most notable is that on discrimination and violence against women. The chapter will first consider the international context and then look at the regional level.

### 2.2 The UN Charter and Universal Declaration

The United Nations which happens to be the umbrella body of all the nations has done very well in incorporating women's rights in their major documents. The United Nations Charter<sup>14</sup> (UN Charter) and the Universal Declaration of Human Rights (UDHR) are the leading documents which form the ideal on which all other international conventions draw inspiration from. The rights of the woman and in this case equality is right from the onset incorporated into the UN Charter, which is the document setting out the functions and obligation of all the principal organs of the United Nations. Article 8 of the UN Charter states

*The United Nations shall place no restrictions on the eligibility of men and women to participate in any capacity and under conditions of equality in its principal and subsidiary organs.*

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<sup>14</sup> Signed on 26 June 1945 at the United Nations Conference on International Organization, San Francisco.

Thus the principles of the UN were to be based on principles of equality between men and women, hence no discrimination and/ or marginalization of women.

The UDHR is one major document of the UN which extensively embodies the rights of women. It seems to it that the issue of gender is dealt with right from article 2 where it states that;

*everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.*

The mention of 'sex' in this article clearly indicates the gender sensitivity of the declaration. Therefore no distinction should be made on the basis of one's gender to his/her enjoyment of the rights outlined by the declaration. Women's rights are thus as important as that of any other right.

Article 27(1) of the Universal Declaration for Human Rights is also another interesting article which has its focus on an individual's right when it comes to cultural or traditional practices.

It states that;

*"everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits."*

What this means is that no one must be restricted from participating in or enjoying the cultural life of a society. Therefore, I can imply from this article that, no one must also be forced to participate in any cultural activity of a community. The decision to participate in any cultural or traditional practice of any community is the sole right of the individual concerned. The nature of the particular culture or tradition is not emphasized here in this article. That is

whether the practice in itself constitutes a violation against the individual's human rights or not. This is one of the loopholes that the declaration has. And it is of a serious concern because as has been noted earlier it is based on this declaration that most human rights legislations are based. If an individual decides to willingly or freely participate in any cultural or traditional practice, then it means no one can stop the person. This does not matter whether the cultural practice constitutes a violation of human rights or not, because the person accepts the practice without any coercing.

### **2.3 International Covenant on Civil and Political Rights**

The International Covenant on Civil and Political Rights<sup>15</sup> (ICCPR) is one of the major documents of the United Nations which deals with rights of people. Though this document is not focused mainly on the rights of, there are clear indications that it interested in the protection of the rights of the woman. Article 2(1) makes this clear when it states that;

*Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.*

The right to being treated humanely is also catered for in article 7 where it is required that no is subjected to any torture or cruel, inhuman or degrading treatment.

In article 28, the Covenant calls for the establishment of a Human Rights Council. This can be seen as step in making sure that there is a body in place which will ensure that provision and

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<sup>15</sup> Adopted in 1966 by G.A. res 2200A (XXI)

obligations in the covenant are implemented. The council will also be able to call countries to order whenever there are indications that rights are being violated.

In 1966 an Optional Protocol to the International Covenant on Civil and Political Rights was adopted. This was to create the opportunity so that individuals whose rights are violated can send individual complaints to the Committee for redress.

## **2.4 International Covenant on Economic Social and Cultural Rights**

The International Covenant on Economic Social and Cultural Rights<sup>16</sup> (ICESCR) was adopted by the UN General Assembly in furtherance of the Universal Declaration of Human Rights. This covenant just like the ICCPR has imprints which show that the rights of women are not sidelined but are also important and inalienable of all human rights. Article 3 implores on State Parties to ensure that men and women enjoy equal rights of all economic, social and cultural rights as is provided by the covenant.

Article 5(2) does a good thing by making sure that the Covenant is open and not restricted to only the rights expressly mentioned therein. Therefore it states that;

*No restriction upon or derogation from any of the fundamental human rights recognized or existing in any country in virtue of law, conventions, regulations or custom shall be admitted on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent.*

The right of individuals to a cultural life is again given a further boost in article 15(1a). The article calls on State Parties to ensure that everyone has the right to take part in cultural life.

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<sup>16</sup> As no. 6 above

## 2.5 Convention on the Elimination of All Forms of Discrimination against Women

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) is one major document which addresses discrimination with specific emphases on women's rights. The Division for the Advancement of Women in an introduction to the convention says that, "the Convention was the culmination of more than thirty years of work by the United Nations Commission on the Status of Women<sup>17</sup>, a body established in 1946 to monitor the situation of women and to promote women's rights. The Commission's work has been instrumental in bringing to light all the areas in which women are denied equality with men. These efforts for the advancement of women have resulted in several declarations and conventions, of which the Convention on the Elimination of All Forms of Discrimination against Women is the central and most comprehensive document." The convention is thus regarded as a remarkable stride in promoting the rights of women.

The Convention significantly addresses the issue of discrimination and clears doubts about what it means to discriminate. According to article 1 of the Convention,

*the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women irrespective of their marital status, on a basis of equality of men and women, human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.*

Article one of CEDAW therefore sets the framework for which all countries that have ratified the Convention can use in defining discrimination in their various national legislations. Therefore I can say based on article one that any cultural or traditional practice that has the

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<sup>17</sup> Established by ECOSOC Resolution 11(II) of 21 June 1946

tendency to impair a woman's enjoyment of his human rights and fundamental freedoms have to be reconsidered. This must cut across all fields as is clearly indicated by the article.

Article 2 of the Convention sets out to ensure that the enjoyment of women's becomes real and not just remain a talk about issue. The article therefore implores all States that are party to the Convention to condemn discrimination against women in all its forms and also to agree to pursue by all appropriate means without delay a policy to eliminate discrimination against women. To this cause, all parties thus undertake:

- (a) To embody the principle of the equality of men and women in their national constitution or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;*
- (b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;*
- (c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;*
- (d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;*
- (e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;*
- (f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;*
- (g) To repeal all national penal provisions which constitute discrimination against women.*

These are indeed very good policy guidelines which if states parties adhere to will go a long way to help the course or the fight against discrimination of women. These are guidelines that will help State parties to fulfill their obligation of respect, protect and fulfill. The Convention

is clearly insistent on legislation. This is very important as that is the first step to ensure the realization of individuals' fundamental human rights and freedom. Article three again reiterates that, "*State Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.*"

The country report by States Parties is another important aspect of the Convention. This is no doubt the best way by which the Committee can measure or assess the performance of State parties and the steps State parties are taking to fulfill their obligation under international conventions. Article 18 (1 &2) therefore requires that;

*(1) States parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which they have adopted to give effect to the provisions of the present Convention and on the progress made in this respect:*

*(a) within one year after the entry into force for the State concerned;*

*(b) thereafter at least every four years and further whenever the Committee so requests.*

*(2) Reports may indicate factors and difficulties affecting the degree of fulfillment of obligations under the present Convention.*

As has been noted earlier the country reports are intended to help the Committee on the Elimination of Discrimination against Women<sup>18</sup> to know and assess the mechanisms that States parties are using to ensure that the rights of women are enjoyed. The report also helps the Committee to make appropriate recommendation to States Parties on what next actions to

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<sup>18</sup> This is a body of experts that monitors implementation of the Convention on the Elimination of all Forms of Discrimination against Women.

take after it has assessed their report. The Committee will also be able to assess the obligations of States Parties once it gets to know the sort of ‘factors and difficulties affecting the degree of fulfillment of obligations’ and also make recommendations in that respect. The Committee in their concluding comments to Ghana’s country report<sup>19</sup> directs that the legislation prohibiting harmful traditional practices should be implemented and a new one adopted as necessary to ensure that these harmful traditional practices are eliminated.

## **2.6 The Optional Protocol to CEDAW**

The Optional Protocol to the Convention on the Elimination of all forms Discrimination against Women (OP-CEDAW) was adopted by the United Nations General Assembly, acting without a vote<sup>20</sup>, on 6 October 1999 and entered into force on 22 December 2000 after its ratification by the tenth State party to the Convention. It is a document which basically *“reaffirms the determination of States parties which adopt the protocol to ensure the full and equal enjoyment by women of all human rights and fundamental freedoms and to take effective action to prevent violations of these rights and freedoms.”*<sup>21</sup>

The Optional Protocol to the Convention on the Elimination of all Forms of Discrimination against Women provides two main procedures by which human rights violation against women can be addressed. The first procedure is that which allows individual women as well as groups to petition or submit claims of violations of rights which are protected under the Convention to the Committee. Such a claim will be admitted by the Committee for consideration if certain criteria are met and especially that all domestic remedies aimed at seeking redress and/or justice has been duly exhausted. The Committee in as much as it will

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<sup>19</sup> Concluding comments to the third, fourth and fifth report.

<sup>20</sup> <http://www.un.org/womenwatch/daw/cedaw/protocol>

<sup>21</sup> Preamble to the Optional protocol

want to step in to address human rights violations, will only want to do so only if a State party to the Convention has exhausted its remedies. This will therefore not amount to interference in national affairs but then as an appellate body.

The other procedure is that of inquiry by the Committee. The Committee can initiate inquiry into situations of grave or systematic violations of women's rights. Here no report needs to be made, which means that the Committee can at anytime it perceives that certain violations is becoming too rampant step in to remedy the situation. This procedure could somehow be seen as interference in some sort. However, Article 10 of the protocol provides an opt-out clause whereby a State party at ratification has the option of refusing to recognize the competence of the Committee to initiate or conduct any inquiry.

These procedures which the protocol provides are very important in the sense that, first it will give individuals the opportunity to press further by going beyond the local remedies available if they are not able to remedy a particular case. The committee will also have the opportunity to make recommendations to the domestic remedies available. Also the committee will be able to launch its own investigations after it has enough information that certain violations stipulated by the Convention is not been adequately addressed in particular party States.

The CEDAW Committee is established by article 17 of CEDAW. The Committee is consisted of twenty-three experts of high moral standing and competence in the field covered by the convention. The experts are elected by State parties from among their national but they serve in their personal capacity. Members of the Committee serve for a term of four years.

## 2.7 Declaration on the Elimination of Violence against Women

The Declaration on the Elimination of Violence against Women<sup>22</sup> (DEVAW) is another comprehensive document proclaimed by the United Nations General Assembly on the rights of the woman. This document as its name suggests deals with the elimination of violence against women. Article 1 of the declaration gives a definition of violence against women to mean *any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life*. This means that violence against women is not reserved to acts that cause physical, sexual or psychological harm and suffering to women but also those acts that have the tendency or are likely to cause physical, sexual or psychological harm and suffering.

A broader spectrum of what violence should encompass is given in article 2 of the declaration. It states that;

*Violence against women shall be understood to encompass, but not be limited to, the following:*

*(a) Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;*

*(b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;*

*(c) Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.*

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<sup>22</sup> See G.A res 48/104 of 20 Dec. 1993

Another important feature of the declaration is that, it makes clear the rights of women.

*Women are entitled to the equal enjoyment and protection of all human rights and fundamental freedoms in the political, economic, social, cultural, and civil or any other field. These rights include, inter alia:*

- (a) The right to life;*
- (b) The right to equality;*
- (c) The right to liberty and security of person;*
- (d) The right to equal protection under the law;*
- (e) The right to be free from all forms of discrimination;*
- (f) The right to the highest standard attainable of physical and mental health;*
- (g) The right to just and favourable conditions of work;*
- (h) The right not to be subjected to torture, or other cruel, inhuman or degrading treatment or punishment.*

Article 4 of the declaration calls on States to *condemn violence against women and should not invoke any custom, tradition or religious consideration to avoid their obligations with respect to its elimination*. It goes on further to give certain measures that State parties should take to ensure the elimination of violence against women. Among these measures are that States should *exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons*. It also calls on States to *adopt all appropriate measures, especially in the field of education, to modify the social and cultural patterns of conduct of men and women and to eliminate prejudices, customary practices and all other practices based on the idea of the inferiority or superiority of either of the sexes and on stereotyped roles for men and women*. The importance of research as a way of eliminating violence is also stressed. Therefore the article calls on State parties to *promote research, collect data and compile statistics, especially concerning domestic violence, relating to the prevalence of different forms of violence against women and encourage research on the causes, nature,*

*seriousness and consequences of violence against women and on the effectiveness of measures implemented to prevent and redress violence against women; those statistics and findings of the research will be made public*

## **2.8 The African Charter on Human and Peoples' Rights**

The African State members of the Organization of African Unity (OAU) convinced of their duty to promote and protect human and peoples' rights and freedoms taking into account the importance traditionally attached to these rights and freedoms in Africa, adopted the African Charter on Human and Peoples' Rights<sup>23</sup> (African Charter) on 27 June 1981.

Despite the fact that the African Charter is not specifically for women, there is a clear intention that the Charter has the rights of women in mind when it comes to the protection of human and peoples' rights. This shows that the Charter is gender sensitive and also mindful of the fact that women are the most vulnerable compared to their male counterparts when it comes to the violation of fundamental human rights and freedoms. In Article 2, the Charter states that,

*Every individual shall be entitled to the enjoyment of the rights and freedoms recognized and guaranteed in the present Charter without distinction of any kind such as race, ethnic group, colour, sex, language, religion, political, or any other opinion, national and social origin, fortune birth or other status.*

With the present article in mind then it suggests that women have a great deal of recognition as much as men have, when you take into account Article 5 which states that;

*Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation*

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<sup>23</sup> OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M 58 (1982)

*and degradation of man particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited.*

However article 18 is aimed purposely to protect the rights of women, family, the aged, the child and the disabled. This makes it welcoming relief that express mention is made of women in this article. Article 18 (2&3) specifically states that;

*(2) The State shall have the duty to assist the family which is the custodian of moral and traditional values recognized by the community.*

*(3) The state shall ensure the elimination of every discrimination against women and also ensure the protection of the rights of the woman and the child as stipulated in international declarations and conventions.*

This article places an enormous task on the State, to assist the family since it is the custodian of morals and traditional values and at the same time ensure the elimination of discrimination as well as protecting the rights of the woman. Most of the discrimination against women and abuses of the rights of the woman especially in Africa are inherent in traditional practices and beliefs and it is the families which are usually in charge of these practices. Therefore tasking the State to ensure the protection of the rights of the woman is a step in the right direction.

## **2.9 Protocol to the African Charter**

The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the Women's Protocol) was adopted on 11 July 2003 in Maputo Mozambique at the second African Union Summit. This is a document which could be seen as putting more weight on the rights of Women as stipulated by the African Charter itself. It is much more in-depth and focuses on the issues concerning women. Article 1 which focuses on definitions

does well in explaining certain key issues concerning women. Below are some of the important definitions it gives concerning women;

*“Discrimination against women” means any distinction, exclusion or restriction or any differential treatment based on sex and whose objectives or efforts compromise or destroy the recognition, enjoyment or the exercise by women, regardless of their marital status, of human rights and fundamental freedoms in all spheres of life.*

*“Harmful Practices” means all behaviour, attitudes and/or practices which negatively affect the fundamental rights of women and girls, such as their right to life, health, dignity, education and physical integrity.*

*“Violence against women” means all acts perpetrated against women which cause or could cause them physical, sexual, psychological, and economic harm, including the threat to take such acts; or to undertake the imposition of arbitrary restrictions on or deprivation of fundamental freedoms in private or public life in peace time and during situations of armed conflicts or of war.<sup>24</sup>*

There are several articles in this protocol which are directly against harmful practices and especially those associated with widowhood rights. This gives the assurance that the rights of widows are adequately catered for. Article two is wholly dedicated to Elimination of Discrimination Against Women has sub section 1b which particularly calls on State parties to enact and effectively implement appropriate legislature or regulatory measures which are aimed at curbing all discriminatory and harmful practices that endanger the health and general well-being of women. Article 2(2) also emphasizes that;

*State parties shall commit themselves to modify the social and cultural patterns of conduct of women and men through public education, information, education and communication strategies, with a view to achieving the elimination of harmful cultural and traditional practices and all other practices which are based on the*

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<sup>24</sup> Article 1 (f) (g) & (j) respectively of the Women’s Protocol

*idea of the inferiority or the superiority of either of the sexes, or on stereotyped roles of women and men.*

Articles 3 and 4 talks about the Right to Dignity and the Right to Life, Integrity and Security of the person respectively. This shows importance and value placed on the dignity and integrity of the woman. Article 4(e) calls on State parties to make that they put in place mechanisms that will ensure that perpetrators of violence against women do not go scot free but then are duly punished by law. The rehabilitation and reparation of victims must also be seen to by State parties.

The rights of widows are given particular attention in Article 20 which talks about Widows' Rights. The article state that;

*States Parties shall take appropriate legal measures to ensure that widows enjoy all human rights through the implementation of the following provisions:*

- a) That widows are not subjected to inhuman, humiliating or degrading treatment;*
- b) That a widow shall automatically become the guardian and custodian of her children, after the death of her husband, unless this is contrary to the interests and the welfare of the children;*
- c) A widow shall have the right to remarry, and in that event, to marry the person of her choice.*

Article 21 also seeks to promote the rights of the widow particularly when it comes to inheritance. This is from a background where women are usually neglected when it comes to the distribution of property. Even if they are given anything at all, then this will be something which is not important to the family. According to article 21(1) therefore;

*A widow shall have the right to an equitable share in the inheritance of the property of her husband. A widow shall have the right to continue to live in the matrimonial house. In case of remarriage, she shall retain this right if the house belongs to her or she has inherited it.*

The creation of an African Commission on Human and Peoples' Rights<sup>25</sup> is another major step in ensuring that peoples' human rights are protected. This is commission made up of legal experts who will review and discuss reports concerning human rights and also has the power to make investigations into human rights abuses<sup>26</sup>.

A critical look at all these declarations and conventions clearly shows that the rights of women have enough prominence when it comes to international human rights law. However, violence and discrimination against women continue to persist. The next chapter discusses this concern in the Ghanaian context.

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<sup>25</sup> Article 30 of the African Charter on Human and Peoples' Rights

<sup>26</sup> Article 45 of the African Charter on Human and Peoples' Rights

## CHAPTER THREE

### 3.1 Rights of women in the Ghanaian context

In the previous chapter, we looked at international declarations, conventions, instruments and treaties and how they set forth to protect the rights of the woman. The specific documents and articles that protect the rights of women were pointed out and discussed. In this chapter we turn to look at the rights of women in the Ghanaian context. We look at Ghana's obligations with respect to these documents and how Ghana set forth to fulfill them.

The basic obligation of all States that are party to all international human rights documents is to respect, protect and fulfill the rights that are set forth in those documents. In a statement by the Office of the United Nations High Commissioner for Human Rights it is stated that;

*By becoming parties to international treaties, States assume obligations and duties under international law to respect, to protect and to fulfill human rights. The obligation to respect means that States must refrain from interfering with or curtailing the enjoyment of human rights. The obligation to protect requires States to protect individuals and groups against human rights abuses. The obligation to fulfill means that States must take positive action to facilitate the enjoyment of basic human rights.*

The Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms<sup>27</sup> calls on states in article 2 to remember that;

*Each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that*

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<sup>27</sup> Adopted by UN General Assembly resolution 53/144 of 9 December 1998

*all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice.*

This means that Ghana being a member of the United Nations and a signatory to the Universal Declaration of Human Rights and the other major human rights treaties discussed above, therefore has a duty and obligation to respect, protect and fulfill the fundamental human rights as enshrined in these treaties. This chapter discusses the measures taken by Ghana to respect, protect and fulfill the fundamental human rights of women.

The human rights of women are incorporated in the 1992 Constitution of Ghana (1992 Constitution). This a clear indication of Ghana's bid to respect the rights of women as stipulated in the International treaties that it has signed. The Constitution being the supreme law<sup>28</sup> of the land is very important to give respect to the rights of women.

Chapter Five of the 1992 Constitution is particularly dedicated to Fundamental Human Rights and Freedoms. The use of gender neutral language in phrases such as 'a person', 'no person' and 'every person is a clear indication of the constitution's sensitivity to the rights of women. Notwithstanding the fact that the phrases it uses make it gender sensitive; it goes ahead in Article 12(2) to state that,

*every person in Ghana, whatever **his** race, place of origin, political opinion, colour, religion, creed or **gender** shall be entitled to the fundamental human rights and freedoms of the individual contained in this Chapter but subject to the respect for the rights and freedoms of others and for the public interest.[emphasis mine]*

It must be noted here that the rights of women are not merely respected but it is actually protected. The enjoyment of ones fundamental human rights and freedoms contained in the chapter is subject to ones respect of the fundamental human rights and freedoms of others.

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<sup>28</sup> Article 1(2) of the 1992 Constitution of Ghana

Therefore anyone who prevents or deprives others including women from enjoying their fundamental human rights and freedoms will also be deprived same. This means that under the constitution each and every one must enjoy his or her fundamental human rights and freedoms having that of others in mind and not trample on them.

The constitution also respects the dignity of all persons including women. It takes a step further to protect the right of the dignity of all individuals by safeguarding everyone from torture or other cruel, inhuman or degrading treatment or punishment. Article 15(1&2) thus states that;

- (1) The dignity of all persons shall be inviolable.*
- (2) No person shall, whether or not he is arrested, restricted or retained, be subjected to-*
  - (a) torture or other cruel, inhuman or degrading treatment or punishment;*
  - (b) any other condition that detracts or is likely to detract from his dignity as a human being.*

The use of masculine pronouns such as ‘he’ and ‘his’ is clearly not considered as secluding the rights of women because of the use of the phrase ‘no person’ at the beginning of subsection 2 of article 15. The fact that Coker-Appiah and Foster make reference to this article in a document for the Women in Law and Development in Africa (WiLDAF) Ghana entitled *Advocacy for Better implementation of Women’s Rights in Ghana* is clear example that the article encapsulates women.

Article 17 of the Constitution again protects the fundamental human rights and freedoms of women by proclaiming everybody to be equal before the law. Article 17 subsections 1 and 2 state that;

- (1) All persons shall be equal before the law.*
- (2) A person shall not be discriminated against on grounds of gender, race, colour, ethnic origin, religion ... or economic status.*

This article can also be interpreted as showing respect and actually protecting the fundamental human rights and freedoms of women especially that stipulated in the Convention for the Elimination of Discrimination against Women (CEDAW). In the sense that article 17 forbids anyone to discriminate anyone base on gender. Subsection 3 explains discrimination saying;

*(3) For the purpose of this article, 'discriminate' means to give different treatment to different persons attributably only or mainly to their respective descriptions by race, place of origin, political opinions, colour, gender, ... whereby persons of one description are subjected to disabilities or restrictions to which persons of another description are not made subject or are granted privileges or advantages which are not granted to persons of another description.*

Therefore the practice of treating men differently with respect to widowhood rites practices can be viewed as discrimination. As will be discussed later, the practices are not strict as it happens in the case of women. The role of the man particularly during the funeral will not allow men to be forced to stay with the corpse as women do.

The rights of persons to practice and or enjoy tradition is respected and further protected by article 26 by stating that;

*(1) Every person is entitled to enjoy, practice, profess, maintain and promote any culture, language, tradition or religion subject to the provisions of the constitution.*

*(2) All customary practices which dehumanize or are injurious to the physical and mental well-being of a person are prohibited.*

What this article means is that, though people are generally entitled to enjoy their various cultures and traditions, this must be done with the fundamental human rights and freedoms of all in mind. Therefore since observing practices that are dehumanizing and injurious will mean trampling on the fundamental human rights and freedoms of others they are prohibited.

A clear indication of the protection of the fundamental human rights and freedoms of all individual is provided for in article 33. The article is specifically dedicated to the *Protection of Rights by the Court*. The courts are therefore mandated to adjudicate cases that pertain to the fundamental human rights and freedoms of individuals to ensure that the rights are duly protected. Subsection 1 of article 33 thus states that;

*(1) Where a person alleges that a provision of the Constitution on the fundamental human rights and freedoms has been, or is being or is likely to be contravened in relation to him, then, without prejudice to any other action that is lawfully available, that person may apply to the High Court for redress.*

Article 33 is further conscious of ensuring that all other fundamental human rights and freedoms are protected, by stating that;

*(2) The rights, duties, declarations and guarantees relating to the fundamental human rights and freedoms specifically mentioned in this Chapter shall not be regarded as excluding others not specifically mentioned which are considered to be inherent in a democracy and intended to secure the freedom and dignity of man.*

Most of the articles discussed above clearly show the intention to respect and attempts to protect the rights of the woman. However, fulfilling of these rights can actually be realized if the state is able to practically protect the rights as stipulated constitution. The role of the courts in protecting the rights of women therefore becomes crucial in attempting to fulfill the fundamental human rights of women. The criminalization of widowhood rites practices along with other traditional harmful practices such as Female Genital Mutilation (FGM) is thus a positive step aimed at ensuring the enjoyment of fundamental human rights. In the amendments to the Criminal Code 1960 (Act 29) harmful widowhood rites practices are made criminal offences punishable by law.

The passage of the Domestic Violence Bill into law is also another major attempt aimed at fulfilling the fundamental human rights of women. Takyiwaa Manuh writing of the topic *The Passage of Domestic Violence Legislation in Ghana* hails the passage of the bill into law. This therefore defines many offences which were hitherto ignored by the criminal code into criminal offences. For instance article 1 of the Domestic Violence Act in defining ‘domestic violence’ builds on the Criminal Code 1960 (Act 29) by including;

*(b) specific acts, threat to commit, or acts likely to result in*

*(i) physical abuse, namely physical assault or use of physical force against another person including the forcible confinement or detention of another person and the deprivation of another person of access to adequate food, water, clothing, shelter, rest, or subjecting another person to torture or other cruel, inhuman or degrading treatment or punishment.*

### **3.2 Challenges in implementation of Women’s rights**

In this section, I discuss some of the challenges that bedevil the implementation of the international conventions and also the constitution and laws. In spite of the of the international conventions and laws protecting the fundamental human rights of women, there are still several abuses of the fundamental human rights of women that still persist. (See U.S. 2008).

Technicalities in the judicial process make it a little difficult for the full implementation of the law. This largely accounts for the reason why many people are reluctant to report cases of human rights abuse. Coker-Appiah (2002) is of the view that the low success in the prosecution of cases of violence and also the situation whereby victims have to face the accused can be intimidating. Facing the accused in court has the tendency of causing the

accused to relive the painful and humiliating experience. This she believes is enough to make people reluctant in resorting to the criminal procedure system.

Heidi Boas in quoting (Subrata, 1999) believes that the legal process however can be a means for changes in harmful traditional practices. She finds that legal precedent can be a powerful tool leading to reform, and that the legal system can function as a catalyst for change

Tradition is another major impediment when it comes to the enforcement of fundamental human rights and freedoms as enshrined in international conventions. The combined third, fourth and fifth periodic reports submitted by Ghana to the CEDAW Committee acknowledges that though there are laws which criminalizes practices such as widowhood rites its implementation is till a problem since the practice is deeply embedded in culture.

The sort of channels and filters that international conventions go through before its integration into national law makes it difficult to bridge the gap between the ideals of world justice and reality. Bell (1991) in arguing this point points that the fact that the machinery for implementing are locally generated makes the conventions open to the influence of local conditions. This means that conditions of a particular country affects the implementation of conventions in that country. This can be explained by the phenomenon whereby states ratify certain conventions with reservation. Once there are sections that come into conflict with national laws and or customs are enough to cause a country to sign a particular convention with reservation.

This means that tradition and culture has a major influence on the implementation and enforcements of norms contained in international conventions. Boas makes reference to Ghana where previous bills became difficult to implement and enforce because they clashed with certain cultural norms and religious believes.

Saksena, 1989 cited in Falk, 1991 believes that the perception of human rights as a Western ideal make its acceptance difficult. However, he argues that that this is could only be a sheer excuse for State to shed of their responsibilities to international conventions. Because human rights has been able to fit into certain traditional schools of thought in China and India.

The maintenance of traditional status quo is another challenge that confronts the implementation of international human rights conventions. According to Howard (1991) there are several people who, no matter their status or achievement may still choose not to make claims that appear to go against the generally accepted norm, since such act may be regarded as unthinkable.

An-Na'im who considers a cross-cultural perspective in defining international human rights standards, sums up the importance of culture in shaping ones consciousness as;

*Culture is ... the source of the individual and communal world view: it provides both the individual and the community with values and interests to be pursued in life, as well as the legitimate means of protecting them. It stipulates the norms and values that contribute to people's perception of their self-interest and the goals and methods of individual and collective struggles for power within a society and between societies. As such, culture is a primary force in the socialization of individuals and a major determinant of the consciousness and experience of the community. The impact of culture on human behavior is often underestimated precisely because it is so powerful and deeply embedded in our self-identity and consciousness. (An-Na'im, 1991)*

This means that once an individual builds up certain ways of conduct and behavior they become difficult to change. Thus once an individual builds certain mental modules based on the norms and values he or she has been open to it will become difficult to discard them.

In spite of the many constraints however, Steiner *et al.* are upbeat that it is this challenges that calls for the commitment of States to take appropriate measures aimed at eliminating or modifying practices that are particularly harmful or constitutes discrimination.

*Customary laws and practices may conflict with prohibitions in the text of the ICCPR and CEDAW or in the action taken by the bodies created by these treaties. Recall Articles 2(f) and 5(a) of CEDAW that requires states to take all appropriate measures to modify or abolish customs, practices, and social and cultural patterns of conduct that constitute discrimination or that are based on the idea of inferiority or on stereotyped roles for women. (Steiner et al. 2008:542)*

In an effort to minimize the challenges of tradition on the fundamental human rights and freedoms, the 1992 Constitution of Ghana in upholding the institution tasks chiefs who are custodians of customs and traditions to review and modify harmful traditional practices. Article 272 in part states that;

*The National House of Chiefs shall –*  
*(c) undertake an evaluation of traditional customs and usages with a view to eliminating those customs and usages that are outmoded and socially harmful.*

It must be noted here that Chiefs have actually done little in respect of this constitutional mandate. This is why Coker-Appiah and Foster in their document *Advocacy for Better Implementation of Women's Rights in Ghana*, calls on traditional leaders to take up their constitutional made and help eliminate all outmoded and harmful practices.

In a developing event, a news item published on [www.myjoyonline.com](http://www.myjoyonline.com)<sup>29</sup> shows that Chiefs can really use their power to end harmful traditional practices. The news reported that a Paramount chief of the Bongo Traditional Area of the Upper East Region of Ghana has banned a widowhood practice where widows are forced to strip naked in public.

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<sup>29</sup> Web page for a Ghanaian based FM station, JOY 99.7FM

The forgoing arguments show that no matter the challenges that tradition poses to the implementation of international human rights standards, traditional leaders have the power of ensuring that all outmoded, harmful and degrading practices are either modified or eliminated in accordance with international human rights standards. The Women's Manifesto for Ghana calls for a full integration and enforcement of human rights instruments within the national legislation. This is because once this is done it will have the impact of reviewing national laws and ensuring a repeal of all discriminatory laws and practices.

## CHAPTER FOUR

### 4.1 Explanations of widowhood rites

This section takes a look at the different types of explanations people give for engaging in widowhood rites or their belief in the practice. Widowhood rites have been a common practice for a long time among the Ga's. Though most people do not know about explanations of the practice they are well aware that it is a tradition which was handed down to them by their forefathers and/or ancestors. When one elderly woman from the community was asked about the practice this was what she had to say;

*I don't know, we came to meet our parents doing it. They also told us that it was something their parents and grandparents handed over to them. So I cannot tell why they practiced it but all that I know is that this is a practice which was practiced but our great, great grandparents and they left it behind for us to also practice. (AFS – 2007)*

Similar views were shared by many, both the old and the younger generations alike.

Explanations as to the practice which are supposed to be carried out were very much varied among respondents. In some families the rites are much more rigid than others. In a much rigid form, the families will ensure that every single practice they need to take you through is observed without any mercy to your plight or suffering. In a much flexible form certain rites are ignored. This shows that there is not one set of practices that must be carried out. However there are certain core practices that are always carried out as part of the widowhood rites. The variations in the practices I believe could be due to the fact that, the meaning of most of these practices are lost along the way as they are transferred from one generation to the other. Another important factor for the variations in the rites is as a result of enlightenment. As people become more and more educated and with understanding of cause and effect

relationships they tend to ignore certain practices after a careful examination of its effects. This reason is based on observations I made from the respondents. Many of them were fond of making statements by using the prefix *previously*. The relationship between a widow and the in-laws also determines the rites that one is taken through and those that are ignored. As was noted earlier the rigidity of the rites is severe if the widow and the in-laws do not have a very cordial relationship. The family seizes the opportunity as a period of pay-back or to settle old scores that exists between them. The religious beliefs of the family concerned also plays another important part in what kind of practices that are carried out and even how they are carried out.

As noted earlier there are certain common practices which cut across the various explanations of widowhood rites and how they should be carried out. These practices form the core of widowhood rites. These practices are the wearing of black clothing, one year period of mourning the dead and a period of confinement.

The wearing of black clothing is usual in connection with death and is a common practice throughout the nation. The bereaved spouse has to wear black clothing all through the period of mourning. This practice does not only pertain to widowhood rites. It is a tradition which has been well embraced by all communities. So every bereaved family automatically has to change into black clothing throughout the period of mourning and this does not matter who the dead person is. This practice of wearing black clothing has been observed to the extent that anyone who wears black clothing for some days continuously is readily asked *who has passed away*. The views of respondents are a clear indication that this practice is not something which anyone is against as most of the people had no reservations against the practice. This is what one respondent has to say;

*Oh! This is not a bad practice. Everybody does it because it is normal to see people who have lost a family member usually dressed in black. Even if you just*

*decide to wear a black dress, people keep asking you, who has died. So no one has a problem with it. (AFS – 2007)*

A period of one year is observed as mourning of the dead. The wearing of black clothing usually has to continue throughout this period of mourning. This practice is also common among all communities. It is also not peculiar to widows, as that from the view of most respondents it is a common practice to mourn the dead for a period of one year. However, the only difference when it comes to that of widows is the fact that, during this period a widow is not supposed to remarry and or have an intimate sexual partner. This is considered as a taboo. In view of this, the mourning period of a widow is closely monitored by all family members to ensure that the woman does not commit any such taboo. As to why family members are so interested in monitoring the widow, the responses point to the fact that misfortunes which will come upon anyone who breaks a taboo is likely to affect the entire family, therefore everyone has to do all they can to prevent such a thing from happening.

*It is an abomination for a woman to marry or even have a sexual partner during the time she is supposed to be mourning the death of her husband. This can bring a lot of misfortunes to her as well as the family, so since we, the family members do not want that to happen all we can do is monitor her to ensure that she does the right thing. (AFS – 2007)*

At the end of the one year period, a memorial or commemoration service is held in memory of the departed soul. It is during this service that the woman is supposed to wear all white clothing signifying the end of the mourning period. From this period onwards, the woman is free to remarry and go about her normal life as before without any restrictions or hindrance. The period of mourning is of great concern to women who are in their middle ages and would therefore want to remarry. Much older women do not care how long this mourning period takes since they are not interested in entering any union again. A woman who had gone

through the rites after losing her first husband, and who is now remarried did not hide her resentment to this practice of mourning for one year without any intimate relationship.

*This is a period I did not like at all. You are restricted from entering a new relationship for a whole year. It was horrible for me. I think if one is allowed to have a new relationship at least once the funeral has been performed then this is ok. Because once you enter into a new relationship, that helps you to easily overcome the loss of a dear one, with the companionship that you get. Other than that you keep thinking about him and that eats you up the more. I tell that one year was like a decade for me to endure. This is not because I did not like my husband, but once he is dead and gone I have to quickly move on with my own life. We did not have any children and so you can imagine the loneliness.*

The period of confinement was considered by a majority of the respondents as the main rites of widowhood. This is the period when the widow is kept in a room for a number of days and in some cases weeks. The time she comes out is restricted usually to dawn where she can take her bath. Her food and everything is sent to her in the room. The only person allowed to interact with her is an elderly woman who is assigned to supervise her through the rites. Throughout the period, the widow is made to use a stone for pillow. On the last night of the confinement period, the widow is taken to the seaside at dawn to take her bath. She does this in the company of the elderly woman who supervises her and a couple of family elders.

The period of confinement has gone through several changes by means of how it is carried out but still with the same aim as before. Respondents revealed that the practice used to be that the widow is kept in the room for a period of one month. However in recent times this period has been reduced to one week or in some cases three days. The use of stone as a pillow is also not popular in recent times. Christianity has brought a new twist to it whereby the period of confinement is further reduced to a one-day prayer and fasting in the church. This is supervised by the women's leader together with the Pastor of the church who through the reading of scripture consoles and encourages the woman over the loss.

Whether a widow decides to do it by the traditional way or the Christian way is accepted. Whichever way one decides to do it however is by her own will and can even decide not to do it at all since no one is forced into it. A widow gave more insight on this issue saying;

*This is a traditional practice which was inherited from our ancestors. No one is forced to do it, but then if you do not do it then you have to be ready to bear any misfortunes that may come your way as a result. You can decide to do it the traditional or Christian way and it is accepted. In my case I decided to do it the Christian way since I am a Christian. So I talked with the Pastor and the women's leader so we agreed to do it on a Friday. I got up early that day and with my Bible I went to the church to meet the Pastor and the women's leader as we had agreed. We spent the whole day there, from 6 in the morning to 6 in the evening fasting and praying, they shared several scriptures with me which I remember very well up till now because I am always encouraged by those scriptures anytime I remember the death of my husband. When we closed, I went home took my bath and ate some food and then I went to bed. That was all.*

I am a little hesitant to conclude that this is what constitutes widowhood rites. Because even though this is what seems to cut across the practices as explained by all the respondents it is only *the tip off the iceberg*. There are several other practices which are commonly carried out as part of the widowhood rites. These include: crying loudly most of the time; drinking of the water that is used in bathing the corpse; the widow sleeping with the corpse overnight; and heckling of the widow after the funeral rites. These other practices are usually carried out as has been noted earlier in families where there seems to be some already existing tension between the widow and her in-laws.

Crying loudly is usually normal in Ghana when people loose one relative or another and even friends. In view of this widows are expected to cry loudly most of the time at least until the final funeral rites has been performed when the man is laid to rest. Therefore any widow who

does not cry most of the time is induced or forced by the family to cry, for everyone to know that it is her husband who has died.

*As for a woman when your husband dies you need to cry to let everybody know that you have lost someone who is dear to you. So if she does not cry then the family will have to help her by putting either pepper or some hot ointment in her eyes. This is not meant to harm her but just to induce her to cry. Therefore if you are a widow and you do not want this to happen to you then you have to always pretend or force yourself to cry so that they will not do anything to you.*

Drinking of the dirty water that is collected after bathing the corpse by the widow is also practiced. In certain families or instances widows are made to drink the water that is collected after bathing the corpse. This is a practice which is observed in the name of widowhood rites. As has been noted earlier this is not a general practice. It is observed only in some cases. In this case the people are forced to do it. The people who are forced to do this are made to do it to show their innocence in the death of their husband, particularly in cases where the cause of the death of the man is in doubt. The health implications of such a practice cannot be over emphasized. One woman did not hide her displeasure from such a practice.

*I think it is very bad to force someone to drink the water that is used in bathing a dead body. Some families do this because they think that the woman killed the man to inherit the wealth of the man, so once you are able to drink it then it shows that you are innocent. If you are in good terms with your in-laws then they will not do this to you, but if you especially like to quarrel with them when they visited the man the time he was alive then they will do it. You cannot report it because it is tradition and so when they do it they do it for free. Nobody will punish them.*

But interesting enough most of these incidents are usually not reported.

A widow sleeping in the same room with her dead husband's corpse is also a practice which is observed in some cases. Respondents explained that this is usually done so that a widow can really show that she loved the husband while he was alive. The notion being that if you really

love someone then you will not be afraid of the persons corpse. In my view, this is a practice which will psychologically affect the widow. Sleeping in the same room with corpse in any case will not be a pleasant experience. As such it will be a psychological torture to compel someone to do that.

Another practice which is usually observed as part of the widowhood rites is the heckling of the widow. This is usually done after the burial of the man. In most cases someone strangles the neck of the woman from behind with a cover cloth. It is done by a relative of the man for someone from the widow's family to come to her rescue. Sometimes some people can go to the extreme by sprinkling pepper into the eyes of the widow. Whatever form it takes the intention is to cause some pain to the widow. A respondent narrated one incident where the widow became blind in the process.

*Since the family is hurt by the loss, they also try to do something painful to the widow to some sort of relieve their pain of loss. They can tie and strangle your neck and be shouting that if nobody comes to your rescue they will kill, but since this is done in the open the widow will always get someone to her aid. Some families can be wicked sometimes. About 20 years ago some people sprinkled pepper into the widow's eyes and it happened that later she went blind as a result. The people who did it were arrested by the Police and prosecuted. Since then that practice of using pepper has stopped.*

This incident clearly shows that though abuses of widowhood rites practices are usually not reported, in certain instances they are actually reported. As in the above incident the practice was reported and the appropriate action was taken. However this shows that it is in extreme cases that people will report and as such minor abuses may still go un-reported. Due to the indivisibility of rights and the facts that the enjoyment or deprivation of one right affects the other, there need to be more education to get people to report abuses to ensure the effective enforcement of the necessary laws.

#### 4.1.1 Reasons for continuing widowhood rites

The reasons that people provide for why people are subjected to widowhood rites or even why people allow themselves to be taken through widowhood rites are enormous and varied. The reasons range from love for the man to the obedience of tradition.

The death of any person is the time where family, friends and love ones show their love for the departed soul. This is much typical in the African context. People usually do this by expressing their condolences to the bereaved family. The woman who has lost the husband is also expected by the family members to show some love for the departed husband. As a result some of the widowhood practices are meant to show that the widow really loved the husband. Practices such as crying aloud most of the time and sleeping with the corpse in the same room are meant to show that a widow really loved the husband. Any widow who rejects these practices is however accused of not loving the man.

It is typical in Africa to see people pointing accusing fingers on the death of someone. The belief is that no matter how natural the death of one person may seem there is a cause to it. Some families go to shrines to inquire about what actually caused the death and who was behind this. If a man dies accusing fingers is readily pointed at the widow by especially the family members of the man. Their action is based on a local proverb which is translated to mean that *if any insect will bite you, then it is that which is found in your garment*. This is because the insect found in your garment is the one close to your body and so has the possibility of biting you than the one which is outside. Therefore the wife of any man being the closest person is first suspect the family considers in the event of death. This explains the reason why certain families will want to force a widow to drink portion of the water that is used in bathing the dead body. Most respondent were of the opinion that, the family use this

practice as a way of maltreating a widow hence they expressed their displeasure about the practice. This is what one respondent had to say;

*It is only wicked families who continue to do this and I think they do this just to maltreat you. Because if you fail to drink they will harass you until you become fed up and decides to drink it to prove your innocence. I don't think this is right because it is possible to consult traditional priest to find what caused the death of someone. Even these days you can get a doctor to make an autopsy and that will help.*

One other reason why widowhood rites are observed is to bid farewell to the dead. The common opinion respondents gave concerning this issue was that, the funeral rites is the general farewell given to the dead by the family, friends and all sympathizers. Therefore the widow's way of giving farewell to the belated husband is to go through the widowhood rites.

A respondent shared her view as;

*In much the same way as funeral rites is observed when one dies, widowhood rites is observed because one has become a widow. Therefore this is simply to bid farewell to your husband since you have to go through the rites because of his death.*

The blessing of the dead husband is also another reason why some people believe the practice of widowhood rite should be observed. People were of the opinion that going through the widowhood rites makes on to enjoy the blessings of the departed soul. This is based on the belief that the spirit of the dead person is able to give you blessings. Therefore once a widow goes through the rites because of the dead then the dead will in turn bring blessings upon you. In that same vein refusal to observe the rites can bring bad luck to a person because the spirit is not happy.

Several other respondents were of the opinion that, the reason why the practice is observed is because it is tradition and must be obeyed as such. One respondent tries to explain;

*This is a tradition we inherited from our forefathers so we have to obey it. We don't need to question the rational of traditional practices before we obey them. If it was not important our forefathers will not have practiced it and handed it over to us. Once they were doing it in their days we have to follow suit simple.*

#### **4.1.2 Sanctions for refusing widowhood rites**

The study sought to find out whether there were any sanctions meted out to people who refuse to go through the rites. As has been noted earlier, people are at liberty to choose whether to go through the rites or not, though there are certain practices which people are virtually forced to endure. In general people are free if they choose not to go through the widowhood rites. This is because there are not any defined sanction aimed at widow's who decides not to go through the practice. However there are certain consequences that are attributed to the refusal to observe traditional rites such as widowhood rites.

The people believe that, when one decides not to go through the rites then certain misfortunes can be visited upon the person by the ancestral spirits as well as the dead husband. Some of these misfortunes are unsuccessful marriages, unsuccessful business or trade, miscarriage of pregnancy, depression and even death. A respondent narrates what happened to a widow and how she later came back to request the family to take her through the rites.

*If you decide not to go through the practice nobody will punish you for that. But then the ancestral spirits will not forgive you for disobeying tradition. There was an incident some years ago when one widow refused to go through the rites. She went ahead to remarry earlier than the one year which she was supposed to have observed as a mourning period. She had a child with her new husband and in less than one week she lost the baby. Later she had three miscarriages. So some family members explained to her that the cause of her misfortune was because she did not go through the widowhood rites and so the dead husband's spirit will not*

*allow her to have children with another man unless she has gone through the rites. She agreed and did go through the rites. Subsequently she had two kids.*

For some widow's who decide not to go through the rites what they face is rejection and isolation from the others. People will not want to associate themselves with people who do not respect traditions and so they reject them. Sometimes their own families may also distance themselves because they think it such an act of disobedience brings disrespect to the family.

## **4.2 Institutional Interventions**

This section focuses on the institutional interventions when it comes to widowhood rites. What are the various state institutions that have mandates that are of relevance for a traditional practice such as widowhood rites? What is their mandate? What are some of the challenges and/or constraints they face in their work? What are some of the programs they are undertaking to ensure that they are able to achieve their mandate? In the study, three main institutions were looked at. These are the Commission on Human Rights and Administrative Justice (CHRAJ), the Ministry of Women and Children Affairs (MOWAC) and the Domestic Violence and Victims Support Unit of the Ghana Police Service (DOVVSU). These three institutions are focused on for three principal reasons. First, most practices of the widowhood rites raise concerns of fundamental human rights and freedoms. Secondly, women are identified as the main victims of widowhood rites. This is not to say that men do not go through similar rites but then as the study shows the practice as it pertains to men are not as strict as it is for women. Finally, most of the unrestrained behavior of widowhood rites can be identified as domestic violence. All these institutions has mandate that bring them into contact with the subject matter of discussion.

#### **4.2.1 The Commission on Human Rights and Administrative Justice**

The Commission on Human Rights and Administrative Justice is provided for by the 1992 Constitution of Ghana and was established by Act 456. It is an institution set up for the protection and promotion of fundamental human rights and freedoms and administrative justice. Article 218 in part states that

*The functions of the Commission shall be defined and prescribed by Act of Parliament and shall include the duty.*

- (a) to investigate complaints of violations of fundamental human rights and freedoms, injustice, corruption, abuse of power and unfair treatment of any person by a public officer in the exercise of his official duties;*
- (f) to educate the public as to human rights and freedoms by such means as the Commissioner may decide, including publication, lectures and symposia.*

#### **4.2.2 The Ministry of Women and Children Affairs**

The Ministry of Women and Children Affairs (MOWAC) was established in the President of Ghana in 2001 by Executive Instrument (EI 8). Government realizing the need to for a high level sector which could be particularly responsible for coordinating national response to gender inequality and to promote the implementation of activities that address the rights of women and children set up this ministry<sup>30</sup>.

The mandate of the ministry is to initiate and coordinate the formulation of policies to promote gender main-streaming and child development issues across all sectors that will lead to the achievement of gender equality and empowerment of women, survival, development and growth of children as well as the protection of rights of women and children. The ministry is supposed to bring together the National Council on Women and Development (NCWD) and

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<sup>30</sup> [www.mowacghana.net](http://www.mowacghana.net)

the Ghana National Commission on Children (GNCC) under one institutional framework to coordinate and advance the rights of women and children. (MOWAC webpage)

The creation of MOWAC I believe is another strong step and achievement of government to give particular attention to the issues of women. This is in fulfillment of the UN call for a National Women's Machinery which supposed to be a "single body or complex organized system of bodies, often under different authorities but recognized by the Government as the institution dealing with the promotion of the status of women" (cited by [www.mowacghana.net](http://www.mowacghana.net))

#### **4.2.3 The Domestic Violence and Victims Support Unit**

The Domestic Violence and Victims Support Unit (DOVVSU) is special unit under the Ghana Police Service (GPS). The unit was set up to handle cases that are reported to the Police Service which have to deal domestic violence. The number of cases, that the unit records show the need for such a unit to handle cases on domestic violence. In December 2007 DOVVSU in a press statement revealed that it had recorded 11471 cases in year 2007. Out of these cases, 3694 were cases of assault, 348 cases of rape, 854 cases of threat and 489 cases of offensive conduct. An important mandate of the unit is that it does not only handle process these cases but they also give support to the victims.

#### **4.3 Challenges of Institutions**

The main challenge of all the institutions is that people who fall victim of certain human rights abuses as a result of widowhood rites practices do not report to the appropriate authorities to address them. In my interview with officials of CHRAJ I was informed that

there are only few instances where women come out to report on issues such as widowhood rites. Most people feel reluctant to address the issue. An official of CHRAJ pointed that they cannot investigate cases that has not been reported to them or do not get to know of it at all.

*Even though we deal with human rights abuses, we cannot initiate investigation into cases that has not been brought before us. It will interest you to know that we do not even get to know of some these issues because they are not reported. They treat it as a traditional issue and so it does not come out at all.*

The reasons which were advanced for this are because most of the women do not know their rights or in some cases those who know their rights simply decide not to report because they think it a custom that they have to endure.

That officials of CHRAJ cannot initiate investigations into human rights abuses that has not been reported to them is similar a condition in the Optional Protocol of CEDAW (OP-CEDAW). Article 2 of OP-CEDAW states that;

*Communications may be submitted by or on behalf of individuals, under the jurisdiction of a State Party, claiming to be victims of a violation of any of the rights set forth in the Convention by that State Party. Where a communication is submitted on behalf of individuals or groups of individuals, this shall be with their consent unless the author can justify acting on their behalf without such consent.*

What this means is that if an alleged victim of human rights violations does not come out to complain, no one can do so on the person's behalf. Therefore, once a complaint is not registered then there is little that authorities can do about it. Here we are looking at institutions that already have problems with staff capacity.

Capacity of staff is another challenge to these institutions. The institutions allege that they do not have enough human resource capital to handle cases. This could even be a reason why they cannot initiate investigation into cases which has not been brought to them. If already

they have enough cases than they can handle, then how will they be able to follow up cases which has not been reported.

The institutions in the face of their major constraint which is people not reporting cases are making major strides to fulfill their mandate of educating people on human rights issues by adopting sensitization and advocacy programs. They organize various forums to educate people about their human rights and also let them know that there are institutions where such problems can be reported for a redress. These sensitizations may not only help for people to report cases but could go a long way to change people's perceptions of most of these practices. Sossou (2002) believes that that creating awareness will also help to bring to light the deplorable situations and fundamental human rights violations and abuses that women keep on suffering silently

To address the issue of their human resource base, these institutions have identified that working with NGO's will be beneficial. This move has been really beneficial since most of the NGO's work more in the local communities. Therefore mostly sensitization and advocacy programs are usually carried out with the NGO's. Center for Human Rights and Advanced Legal Research (Chraler), Centre for Gender Studies and Advocacy (CGSA), Alliance for African Women Initiative (AWI) are some locally based NGO's that the Institutions work with. There are also some International NGO's such as African Human Right Heritage (AHRH), Commonwealth Human Rights Initiative (CHRI) which institutions partner with in their advocacy programs.

#### **4.4 The man as a Widower**

In this section attention is focused on the man. The aim was here was to find out whether widowhood rite is a practice which pertains to only women. Therefore I decided to find out how a man is treated when he becomes a widower.

Investigations carried out revealed that men just as women also go through widowhood rites. Respondents explained that widowhood rites are traditional practices that are supposed to be observed upon the death of a spouse. Meaning that, men must also go through certain practices when their wives happen to die. However the only difference lies in the mode and intensity of the practices as compared to that of the woman. The practices that men go through are not intense and are usually carried out in some relaxed manner. People usually are also not bothered whether then man actually observes the practices or not. These are views of some respondents.

*Yes, men also have to go through widowhood rites but for them it very simple and not rigid as for a woman.*

*Men also practice widowhood rites, but they are not usually forced as you see it done to women. It seems like nobody cares but yes they also do it.*

The core of the widowhood rites practices remain the same as that of the woman. A widower is expected to dress in black, mourn for a period of one year and observe some period of confinement. However there are some slight variations which I try to point out here.

In the wearing of black clothing, the variation lies in the period after the final funeral rites and when the one year commemoration is observed. In the case of men though the wearing of black clothing does not cease after the final funeral rites, it is usually not observed as such. The men can usually go about in normal clothing without anyone questioning them and the people regard this as something normal. This is what some respondent had to say.

*Men are also supposed to be dressed in black clothing until the commemoration service when they change into white. But for men they normally go about in anything especially after the funeral. What they usually do is wear black trousers and anything else can be worn on top of it to match. They don't care.*

The year period for mourning is the same for men as has been noted earlier. A widower is expected not to get married until after one year. However many men usually are not able to follow this practice and this does not draw the sort of criticisms that comes the way of the woman in such instances. Men are generally considered promiscuous and so such acts are considered normal.

*Yes, it is the same for the man. Men are also not supposed to marry until after one year. They are usually not able to endure but that is normal with men. Let me tell you one thing, it is just like in married life, it is normal for you to see men engaged in extra marital affairs and it is actually rampant. But it is rare to see a woman engaged in extra marital affairs. So some men usually get involved in intimate relationship earlier than the one year.*

The period of confinement just like the other practices also has variations when compared to that of the woman. Respondents revealed that the period of confinement is usually small for men in the sense that in cases that you will have a woman being kept in a room for one week, a male counterpart in similar situation will spend one day or three days the most. Also the situation whereby widows at the end of the period are taken to the sea side at dawn to take her bath is not the same for men. In the case of men a libation will be poured and that ends it.

Considering the practices which are not core to the widowhood practices, it was realized that men hardly go through any of those practices. From all the respondents interviewed there was no case where a widower was forced or induced to cry, made to drink the water that is used in bathing the corpse or made to sleep overnight with the corpse. Crying aloud by men is something that even though not classified as taboo is not considered being good. This is

rooted in the traditional saying that, *a man does not cry*. What this means is that a man should be able to endure pain so should not be seen crying in the open, if there is the need for them to do so. It is important to note that this contradicts sharply to the situation where women are actually induced or forced to cry. The force that is usually applied as has been noted earlier can sometimes be injurious or harmful.

Men are hardly accused as killing their wives and I make this point from the backdrop that none of the respondents interviewed has ever heard of any such incident. This partly explains the reason why widowers are not made to drink portion of the water that is used in bathing the corpse. As has been explained earlier, widows who are forced to drink portion of the water used in bathing their dead husbands are usually those who are accused or suspected of having a hand in the cause of the death of the man. Therefore until any widower is accused of having killed the wife there will not be any incident of a widower being forced to drink portion of the water used in bathing the corpse. Similarly, sleeping with the corpse overnight was also realized to be a practice that women who are usually accused or suspected of having a hand in their husband's death happen to go through. Therefore the study recorded no incident whereby a widower was made to sleep with the corpse. Another reason which was given for this situation is the fact that widowers are those who are supposed to take control and oversee that the late wife has been given a befitting burial. This means that the role that the widower has to play upon the death of his wife is demanding that it rules out such a practice.

#### **4.5 Some harmful widowhood practices**

These are some examples of harmful widowhood rites practices.

Among the Baganda tribe of Uganda. Widows are expected to wear a topless garment as evidence of their mourning and also other widows tie a piece of dark cloth around their waist to indicate their new status. (Limann 2003)

Among the Iteso which is also a tribe of Uganda. Widows are not permitted to bathe, eat and shave their hair for a three day mourning period. (Limann 2003)

Among the Vagla tribe of Northern Ghana in the Bole District. Widows are made to sit on the bare floor without eating nor drinking until the dead husband is buried. Widows are also made to sleep on straw mat and use a daughter grinding stone as a pillow. Among the Vagla also a widower is has to go without eating and drinking for three days as a sign of mourning. (Kondor, 1993)

Ritual bath whereby widows had to be bathed with certain concoctions are also a common practice among the people of Northern Ghana (Ardayfio-Schandorf, 2005)

## CHAPTER FIVE

### 5.1 Summary of Findings and Conclusion

This chapter presents a summary of my findings and conclusion. Before I set out to present these I wish to reiterate the aims of the study. The study set out to describe the practices of widowhood rites and their underlying reasons. Some of the rites break human rights standards. The study was therefore also interested in finding out why the practice continues to persist in spite of the many human rights instrument available, most of which has been ratified by Ghana. It was also interested in finding out if men are also subjected to widowhood practices and if they go through the same practices as women do. And finally the study aimed at improving the understanding of the interventions institutions are making to bring the practices into check.

It was found out that the practices of widowhood rites are varied. This is because the set of practices that one has to go through in one case were not the same in another case. The reasons that account for this phenomenon are because of enlightenment, relationship between families and also religious believes of the people. However there are certain practices that are very frequently practiced (cut across) which therefore serve as the core of the practices. The core of the practices were identified as wearing of black clothing, one year mourning period and some period of confinement which in some cases end with a ritual bath. One critical observation that was made was that the core practices usually did not entail abuses of fundamental human rights. This in not to say that the period in confinement is free of human rights abuses as the freedom of movement clearly rears its head. The other practices that were observed include, crying out loudly, drinking portion of the water used in bathing the corpse, sleeping in the same room with the corpse overnight and heckling the widow. It was realized

that people are usually forced against their will to go through these practices. This raises serious concern.

The study also found out that the reasons for widowhood rites were varied. Though in some cases people are forced to observe certain practices, others usually go through the practices willingly. The most prominent of the reasons for a widow to want to go through the rites are love for the departed spouse, a farewell for the departed spouse, to receive the blessings of the departed spouse. The family of the deceased is also interested in carrying out certain practices because they want to find out the innocence of the widow in the death of her spouse. Several others also go through the practice for the mere reason that it is a tradition that must be obeyed.

There are no institutionalized sanctions for those who refuse to go through widowhood rites practices. However the social reaction and or rejection are enough to cause others to go through the practice even if it is against their wish. Misfortunes that are believed to com upon people who refuse to go through some practices also compel people to go through the practice.

There are several international conventions which support the rights of women and also that which are against harmful practices. Ghana has signed most of these documents and as such has taken steps to incorporate them into national laws. However one major constraint to the realization of rights incorporated in legislation is that people usually do not report violations. The common reasons being that of traditional values they have and also in some cases the unfavourable legal procedures such as victims facing the accused in court is unpleasant as it makes victims relive the torture, pain and humiliation. Traditional values also become a cover for people who will just want to punish or settle scores they may have with others. Traditional

values therefore have a great influence in the practice and these sharply conflicts with international human rights standards.

The study reveals that men also go through widowhood rites upon becoming widowers. Also with respect to men there exist several variations in the set of practices and how they are practiced. The practices are much stricter in the case of women as opposed to what happens in the case of men. Traditional values and the role that men play in the event of death, such as organizing the funeral for his wife are mentioned as a major reason for some of the discrepancies in the practices.

There are state institutions which are mandated to handle and control abuses of fundamental human rights and freedoms. Though institutions are doing their best to fulfill their mandate the influence of tradition in the practices is seen to impede their work. However, institutions need to step up their education to help people realize their rights and their safety in legislations.

In conclusion I will like to state that the fate of victims of abuses of widowhood rites rest largely in their own hands. This is because there are no institutionalized sanctions if they decide not to go through the practice and also they can always raise alarm once attempts are made to force them to go through these practices. Then they will be at the mercy of a legislation that clearly prohibits traditional practices that violate human rights. However efforts must be made to increase advocacy and awareness programs for people to become fully aware of their fundamental human rights and freedoms. Concerted efforts must also be made to ensure that traditional rulers fulfill their constitutional mandate to help eliminate and modify harmful widowhood rites practices.

## References

Ardayfio-Schandorf, Elizabeth (2005) Violence against Women: the Ghanaian case. An Expert Group Meeting organized by the UN Division for the Advancement of Women on the theme "*Violence against women: a statistical overview, challenges and gaps in data collection and methodology and approaches for overcoming them*"

An-Na<sup>c</sup>im, Abdullahi Ahmed (1991) Towards a Cross-Cultural Approach to Defining International Standards of Human Rights: The Meaning of Cruel, Inhuman, or Degrading Treatment or Punishment. In Abdullahi Ahmed An-Na<sup>c</sup>im (ed) *Human Rights in Cross-Cultural Perspectives: A Quest for Consensus*. 1991. University of Pennsylvania Press, Philadelphia.

Bell Diane (1991) Are Human Rights for Women, Too? An Australian Case. In Abdullahi Ahmed An-Na<sup>c</sup>im (ed) *Human Rights in Cross-Cultural Perspectives: A Quest for Consensus*. 1991. University of Pennsylvania Press, Philadelphia.

Boas, Heidi. *Lesson from Ghana: The Challenges to a Legal Response to Domestic Violence in Africa*. Boalt Hall School of Law. available at [http://www.abanet.org/domviol/comp\\_secondplace.pdf](http://www.abanet.org/domviol/comp_secondplace.pdf) Last visited May, 2008

Bryman, Alan (2004) *Social Research Methods*. Oxford University Press, New York.

CEDAW (2006) Concluding comments of the Committee on the Elimination of Discrimination against Women: Ghana available at <http://www.un.org/womenwatch/daw/cedaw/cedaw36/cc/Ghana/0648072E.pdf>. Last visited May, 2008

Coker-Appiah, Dorcas and Foster, Joana. *Advocacy for Better Implementation of Women's Rights in Ghana*. WiLDAF – Ghana.

Coker-Appiah, Dorcas (2002) For a World Free of Violence against Women in Ghana. *Women in Law and Development in Africa – Ghana*.

Domestic Violence Act, 2007. Act 732

Falk Richard (1991) Cultural Foundations for Protection of Human Rights. In Abdullahi Ahmed An-Na<sup>c</sup>im (ed) *Human Rights in Cross-Cultural Perspectives: A Quest for Consensus*. 1991. University of Pennsylvania Press, Philadelphia.

Ghana (2005) Combined third, fourth and fifth periodic reports of States parties. Committee on the Elimination of Discrimination against Women. available at <http://daccessdds.un.org/doc/UNDOC/GEN/N05/317/55/PDF/N0531755.pdf?OpenElement> Last visited May, 2008

Howard Rhoda E. (1991) Dignity, Community, and Human Rights. In Abdullahi Ahmed An-Na'im (ed) *Human Rights in Cross-Cultural Perspectives: A Quest for Consensus*. 1991. University of Pennsylvania Press, Philadelphia.

Kondor, Daniel (1993) Ghanaian Culture in Perspective. Presbyterian Press Accra.

Limann, Leda Hasila (2003) Widowhood rites and the rights of women in Africa: the Ugandan Experience. Makerere University Kampala, Uganda.

Manuh, Takyiwaa. *The Passage of Domestic Violence Legislation in Ghana*. Pathways of Women's Empowerment. Available at <http://www.pathways-of-empowerment.org/GhanaDV.pdf> Last visited May, 2008

Sossou, M-A. (2002) Widowhood practices in West Africa: the silent victims. *International Journal of Social Welfare* 2002: 11: 201-209. Blackwell.

Steiner, Henry J., Alston, Philip and Goodman, Ryan (2008) *International Human Rights in Context. Law, Politics, Morals*. Oxford University Press. 3<sup>rd</sup> Edition

The Women's Manifesto for Ghana

The 1992 Constitution of Ghana.

U.S. (2008) Ghana Country Report on Human Rights Practices – 2007. Released by the Bureau of Democracy, Human Rights and Labor. March 11, 2008 available at <http://www.state.gov/g/drl/rls/hrrpt/2007/100484.htm> Last visited May, 2008

WiLDAF. Women's Rights Situation: Actual Women Situation in Ghana. Available at [http://www.widaf-ao.org/eng/article.php3?rd\\_article=43](http://www.widaf-ao.org/eng/article.php3?rd_article=43) Last visited May, 2008

[www.ghanadistricts.com](http://www.ghanadistricts.com) Last visited May, 2008

[www.mowacghana.net](http://www.mowacghana.net) Last visited May, 2008

[www.un.org/womenwatch/daw/cedaw/text/econvention.htm#intro](http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm#intro) Last visited May, 2008

[www.un.org/womenwatch/daw/cedaw/protocol](http://www.un.org/womenwatch/daw/cedaw/protocol) Last visited May, 2008

[www.myjoyonline.com/news/200802/13706.asp](http://www.myjoyonline.com/news/200802/13706.asp) Last visited May, 2008

# Appendix 1

## RESEARCH QUESTIONNAIRE

THIS QUESTIONNAIRE IS AIMED AT SOLICITING INFORMATION ON WIDOWHOOD RITES IN THE GA TRADITIONAL AREA OF ACCRA-GHANA, TO FIND OUT HOW TRADITIONAL PRACTICES CONFLICT WITH FORMAL HUMAN RIGHTS

YOUR OBJECTIVE RESPONSE TO THESE QUESTIONS WILL BE VERY MUCH APPRECIATED

**NOTE:** ANSWERS TO THESE QUESTIONS IS PURELY FOR ACADEMIC PURPOSE AND WILL BE TREATED AS SUCH. CONFIDENTIALITY IS ASSURED

Questionnaire No.....

Date: .....

Place: .....

1. Age.....
2. Sex: Male  Female
3. Religion: Christian  Muslim  Traditional
4. Educational level: Basic  Secondary  Tertiary  Graduate
5. Are you employed? Yes  No
6. If yes how
  - Public Sector.....
  - Private Sector.....
  - Self Employed.....
  - Petty Trading.....
7. Marital Status: Single  Married  Divorced  Widowed
8. For how long have you been Married/Divorced/Widowed .....

9. How many children do you have.....
10. If widowed, do you receive any support for your children's upkeep? Yes  No
11. If yes state source .....
12. Did you have to go through any rites upon the death of your husband? Yes  No
13. If yes, briefly describe it  
 .....  
 .....
14. Why did you have to through that?  
 .....
15. Who administered it? .....
16. Was it done at your own will or forced? Own will  Forced
17. Do you think this was a violation of your fundamental human rights? Yes  No
18. Will your husband have gone through the same rites if the reverse had happened  
 Yes  No
19. Why?  
 .....  
 .....
20. Did the practice help you further in life in any way? How?  
 .....
21. Did the rites have an influence on any of the following; Briefly explain
- a. Right to property .....
- .....
- b. Rights in children .....
- .....
- c. Family relations (Suspensions, acceptance, relationship between families...)  
 .....
- d. Rights to remarry .....
- e. Other resources or relations.....  
 .....
22. Did the rites affect the way in which you think about yourself or others?  
 .....
- a. Did they scare you? .....

- b. Did you find them unnecessarily brutal? .....
- c. Do you feel proud to have gone through the rites? .....
- d. Did they temporarily or permanently damage your health?.....
- e. Did they temporarily or permanently make you sad/less happy/scared/doubt others/  
distrustful of others – of relatives .....
- .....
23. What do you think would have happened if you had/had not performed the rite?  
.....
24. Do you think that it was right for you to accept/refuse the rite to be performed?  
.....
25. Did you report the incident to any institution for redress? Yes  No
26. What was the response? .....
27. Do you know of any other institutions which help in this regard? Yes No
28. Name them  
.....  
.....
29. Do you think this practice should be continued? Yes  No
30. Why?.....  
.....
34. What do you think government or NGO's should do to check the practice?  
.....

## Appendix 2

### INTERVIEW SCHEDULE FOR TRADITIONAL LEADERS AND FAMILY HEADS

Topic: **WIDOWHOOD RITES IN THE GA TRADITIONAL AREA OF ACCRA-GHANA, A REVIEW OF TRADITIONAL PRACTICES AGAINST HUMAN RIGHTS.**

Interview No: .....

Place: .....

Date: .....

Interview carried out by: .....

1. Introduction of myself and objectives
2. Position in traditional area.....
3. What is your role.....
4. Marital status.....
5. Religion.....
6. Educational level.....
7. Occupation.....
8. Can you tell me a brief history of the Ga's .....
9. What are some of the customs and traditions of the Ga's .....
10. Are there any taboos .....
11. What are the punishments for violating a taboo .....
12. What system of inheritance do you practice .....
13. How would you assess the inheritance system? Is it satisfactory? Does it comply with state law, or are there any differences .....
14. Do you see any challenges or drawbacks to the system .....
15. Do the Ga's practice widowhood rites .....
16. Can you explain how it is carried out .....
17. Have there been any changes in the practice over time .....

18. Why do you practice it or what is the purpose .....
19. What are the beliefs behind the practice .....
20. What will happen to a woman who does not go through a widowhood rite .....
21. Would it be possible to obtain the same purpose by other means? .....
22. Whose duty is it to enforce it? .....
23. Are there any punishments if the one responsible to carry it out refuses the practice  
.....
24. Are there any punishments if the widow refuses the practice? .....
25. What are these punishments and whose responsibility is it to inflict them?  
.....
26. Do men also go through this practice and why? .....
27. Is it carried out the same way and for the same purpose? .....
28. Does the practice regulate the relationship between families? .....
29. What would happen to the relationship between families if women did not go through the  
rite? .....
30. Do people report the practice to any authority? .....
31. Which institutions or authorities do they report to? .....
32. What usually happens if a case is reported? .....
33. Is there any pressure from government or other organizations to stop the practice?  
.....
34. Have there been any laws to that effect? .....
35. How has this affected the practice? .....
36. I am interested in variations concerning this practice. Could you tell me about some of the  
different cases that you have come across in your capacity as ..... in more  
detail. ....
37. What was done in each case, and by whom? .....
38. Are there some practices that need to be carried out every time and are there some  
practices that are optional? .....
39. What are the choices or possibilities open to people wishing to obtain the purpose of the  
widowhood rite? .....
40. How did it affect the woman/man in each case?
  - a. Was she able to remarry? .....
  - b. Keep her children? .....
  - c. Keep the house, the property? .....

d. Continue with her life? .....

41. Do you have any experience from deaths where women did not go through the rite? What happened? .....

42. What, in your view, would need to change for widowhood rites to not longer serve a purpose, to become obsolete? .....

.....  
.....

43. Concluding comments and appreciation.

## Appendix 3

### RESEARCH QUESTIONNAIRE (P)

THIS QUESTIONNAIRE IS AIMED AT SOLICITING INFORMATION ON WIDOWHOOD RITES IN THE GA TRADITIONAL AREA OF ACCRA-GHANA, TO FIND OUT HOW TRADITIONAL PRACTICES CONFLICT WITH FORMAL HUMAN RIGHTS

YOUR OBJECTIVE RESPONSE TO THESE QUESTIONS WILL BE VERY MUCH APPRECIATED

**NOTE:** ANSWERS TO THESE QUESTIONS IS PURELY FOR ACADEMIC PURPOSE AND WILL BE TREATED AS SUCH. CONFIDENTIALITY IS ASSURED

Questionnaire No.....

Date: .....

Place: .....

31. Age.....

32. Sex: Male  Female

33. Religion: Christian  Muslim  Traditional

34. Educational level: Basic  Secondary  Tertiary  Graduate

35. Are you employed? Yes  No

36. If yes how

Public Sector

Private Sector

Self Employed

Petty Trading

37. Marital Status: Single  Married  Divorced  Widowed

38. Do you know about widowhood rites? Yes  No

39. Can you describe it?  
.....  
.....

40. Why is it practiced?  
.....  
.....

41. Does it apply only to women? Yes  No

42. Why?.....  
.....  
.....

43. Do you think that the practice obtains its purpose? How/Why not? .....  
.....

44. What do you think are the effects of this practice on women?  
.....  
.....  
.....  
.....

45. Do you know anybody who has gone through the rites or have you witnessed one before?  
Yes      No      

46. How was it carried out?  
.....  
.....  
.....  
.....

47. Whose duty was it to enforce it? .....

48. Do you think this violated the person human rights? Yes  No

49. Explain.....  
.....  
.....

50. Do people report such cases? Yes  No

51. Was this particular incident reported to any authority? Yes  No

52. If yes, what was the outcome?

.....  
.....

53. Does the rite affect ones right to resources such as property, or one’s possibilities later in life? Yes  No

54. Explain.....

.....  
.....

55. Do you know of institutions / organizations that are against this practice? Yes  No

56. Name them

.....  
.....

57. Do you know if there are laws against this practice? .....

.....  
.....

58. Do you think this practice should be continued? Yes  No

59. Why?.....

.....  
.....

60. Would it be possible to obtain the purpose of the practice otherwise? .....

.....

61. What do you think government or NGO’s should do to check the practice?

.....  
.....

## Appendix 4

### INTERVIEW SCHEDULE FOR INSTITUTIONS

**Topic: WIDOWHOOD RITES IN THE GA TRADITIONAL AREA OF ACCRA-GHANA, A REVIEW OF TRADITIONAL PRACTICES AGAINST FORMAL HUMAN RIGHTS.**

Interview no. ....

Place: .....

Date: .....

Interview carried out by: .....

1. Introduction of myself and objectives

***Questions about the organization an its work***

2. What is .....

3. What is the responsibility of .....

4. What is the role of ..... and formal possibility for follow up of cases brought to your attention.

5. How is the commissions work organized, what is the strength of your staff?

6. Is there a division or section in charge of widowhood rites?

7. How is the commission financed and also its relationship with government (independent, semi-independent or governmental?)

8. Does the commission seek people and information or does people come and report

9. Do people in the rural areas have access to the commission?

10. What other issues does the commission deal with apart from widowhood?

11. What are the topics or issues most often reported.

12. Do you have a distribution between the types of cases you work on?

***Questions on widowhood rites and the commission's work***

13. How often does the commission get cases on widowhood?
14. Is widowhood practice a central problem for the commission?
15. Which of the practices do people usually report of?
16. Is the practice of widowhood rites a crime?
17. Is there any legislation against widowhood rights?
18. How would you assess the impact of these legislations if there are any?
19. What happens if one refuses to undergo this rites or even report to authorities?

***Questions about reasons for the persistence of the practice***

20. Why do you think the practice still persist
21. Who are the main adversaries of their work?
22. Who and what upholds the practice?
23. To what extent do you think property rights, religion, witchcraft, kinship and rights in children, customary law, and disrespect for women promote or affect widowhood rites.
24. Please elaborate on your view.
25. Do the cases you deal with usually involve rights to property
26. How are such issues concerning property addressed?
27. How will you assess the change in modern areas with more people being educated to areas with less educated people?

***Particular case stories***

28. Can you describe a case a case you have handled before, the situation, persons involved, the abuse, how was it addressed, which laws did you refer, main adversaries
29. Who are the widows that report the practice? (What are their resources - Young? Educated? Rich? Other resources?)

***Steps taken by the commission to curtail widowhood rites***

30. What are the steps or measures being taken by the commission to curtail widowhood rights?

31. Do you think the commission is making an impact; are things changing for better or worse?

***Others working on widowhood rites***

32. Do you know of any other Human Rights organizations which are involved in the fight against widowhood rites?

33. Do you have any collaboration with any of them

34. How will you assess their impact?

35. Concluding comments and appreciation